

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

This document relates to:

*The County of Summit, Ohio, et al. v. Purdue  
Pharma L.P., et al.*

Case No. 18-op-45090

and

*The County of Cuyahoga v. Purdue Pharma  
L.P., et al.*

Case No. 1:17-op-45004

MDL No. 2804  
Hon. Judge Dan A. Polster

**TEVA DEFENDANTS' AND ACTAVIS GENERIC DEFENDANTS'  
OMNIBUS MOTION IN LIMINE**

Pursuant to Federal Rules of Evidence 402, 403, 404, and 408, and for the reasons set forth in the Teva Defendants' and Actavis Generic Defendants' (collectively, "Moving Defendants") attached Memorandum of Law, Moving Defendants move for the following to be excluded at trial:

- TAD-1: reference to the Cephalon misdemeanor plea;
- TAD-2: reference to "off-label" promotion;
- TAD-3: reference to the 2008 civil settlement between Cephalon and the Office of Inspector General (along with the settlement of the opioid action brought by the Oklahoma Attorney General);
- TAD-4: evidence of any opioid-related harm that occurred outside of the Counties;
- TAD-5: evidence of marketing-related statements or opioid shipments outside of the Counties;

- TAD-6: evidence regarding Teva Defendants' financial support of third-party groups;
- TAD-7: testimony from Russell Portenoy about any improper conduct by Moving Defendants;
- TAD-8: argument that the Actavis Generic Defendants should have made additional warnings regarding their generic medicines or should have stopped selling them;
- TAD-9: reference to the purchase price paid by Teva Pharmaceutical Industries Ltd. ("Teva Ltd.") for the Actavis Generic Defendants; and
- TAD-10: reference to the settlement agreement between Teva Ltd. and Allergan PLC.<sup>1</sup>

Moving Defendants reserve the right to supplement this Motion prior to trial and/or to file additional motions *in limine*, particularly given that certain documents, such as the settlement agreement between Allergan PLC and Plaintiffs, have not yet been produced. Nor have Plaintiffs provided a manageable list of witnesses or documents that would enable Moving Defendants to identify what specific evidence Plaintiffs intend to introduce at trial and to challenge that particular evidence.

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<sup>1</sup> Cephalon and Teva USA are referred to as the "Teva Defendants." Watson Laboratories, Inc., Actavis LLC, Actavis Pharma, Inc., Warner Chilcott Company, LLC, Actavis South Atlantic LLC, Actavis Elizabeth LLC, Actavis Mid Atlantic LLC, Actavis Totowa LLC, Actavis Kadian LLC, Actavis Laboratories UT, Inc. f/k/a Watson Laboratories, Inc.-Salt Lake City, and Actavis Laboratories FL, Inc., f/k/a Watson Laboratories, Inc.-Florida are collectively referred to as the "Actavis Generic Defendants." In addition, Teva Pharmaceutical Industries Ltd., is an Israeli corporation that is not subject to and contests personal jurisdiction; it is specially appearing to join this motion and does not waive and expressly preserves its personal jurisdiction challenges.

September 25, 2019

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on September 25, 2019, the foregoing was filed using the Court's CM/ECF filing system and will be served via the Court's CM/ECF filing system on all attorneys of record.

/s/ Steven A. Reed  
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